

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

HANNAH PRIDDY,
Plaintiff,

Case No.: 2:22-cv-00474-SCD

v.

**DR. NOAH'S ARK VETERINARY CLINIC,
NOAH ARNOLD, ABC INSURANCE
COMPANY,**

Defendants,

RULE 26(f) REPORT

NOW COMES the above-named defendant, appearing specially, Noah Arnold, more appropriately styled as the Estate of Noah S. Arnold by his personal representative, Joshua Schulman, by their attorneys, Schellinger & Associates, LLC, by Neal C. Schellinger, defending under a reservation of rights on the merits, and per the Court's January 4, 2023 order hereby submits the following Rule 26(f) Report:

NATURE OF THE CASE

1. Plaintiff filed this lawsuit on April 18, 2022 alleging sex discrimination, sexual harassment, hostile work environment and retaliation against Dr. Noah's Ark Veterinary Clinic (a non-entity), Noah Arnold (an individual) and ABC Insurance Company.
2. Dr. Noah Arnold passed away on April 26, 2022 (Doc. 12).
3. On April 25, 2022, Plaintiff requested a summons be issued for Dr. Noah's Ark Veterinary Clinic (Doc. 7, notation in Docket Text).
4. Noah Arnold appears to be the registered agent for the veterinary clinic (Doc. 4).
5. On May 5, 2022, the plaintiff placed upon the record a **Suggestion of Death as to Noah Arnold** (Doc. 12).

6. On June 30, 2022, Attorney Matthew O'Neill as resident agent for the personal representative of the Estate of Noah S. Arnold accepted service only on behalf of the Estate of Noah S. Arnold (Doc. 13).
7. The lawsuit against Noah Arnold was tendered to State Farm Fire and Casualty Company under his homeowner's liability policy. State Farm Fire and Casualty Company accepted the tender under a reservation of rights.
8. Under that reservation of rights, State Farm Fire and Casualty Company hired attorney Neal C. Schellinger of Schellinger and Associates, LLC to defend Noah Arnold, more appropriately styled as the estate of Noah Arnold by its personal representative, Joshua Schulman on the merits under its reservation of rights.
9. Recently, State Farm Fire and Casualty Company moved to intervene and seeks a declaration of its rights under the terms of its policy (Doc. 18).
10. The Wisconsin Circuit Court probate action for the Estate of Noah Arnold was filed on June 23, 2022; the estate disputed all claims and posited that the estate had no assets. On January 9, 2023, the court conducted a hearing and denied all claims against Noah Arnold's estate and approved final accounts; the matter was converted to an informal Administration awaiting only the federal court lawsuit solely as it pertains to the homeowner's policy and is tentatively anticipating an estate closing date in March of 2023.

PLEADINGS

A Suggestion of Death was filed on May 5, 2022 (Doc. 12). No party has requested a substitution of the proper party. F.R.C.P. 25(1) dictates: "if the motion [for substitution] is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed."

MOTIONS CONTEMPLATED

In addition to a motion based upon F.R.C.P. 25, a motion based upon *res judicata*, claim preclusion, collateral estoppel or issue preclusion may be filed based upon the probate court's

denial of all claims including future claims against the estate of Noah S. Arnold.

The docket text # 7 reflects that only a summons for the clinic was issued by the clerk; therefore, it is unclear what service of process was effectuated by service of that summons and complaint on the Estate. The Wisconsin Department of Financial Institutions reflects Noah Arnold as the registered agent for the clinic, but agency generally ends at death.

If this Court determines that there is no coverage under the homeowner's policy and there is no duty to defend, then a motion to withdraw as counsel will be filed.

OTHER MATTERS

If service of process was not effectuated over Dr. Noah's Art Veterinary Clinic, Inc., and was properly served on Noah Arnold, then the only served entity is Noah Arnold's Estate and the other party is the Intervener Defendant. Given the probate courts determination that the estate is asset deficient and because the circuit court denied all claims, including future claims, against the estate, perhaps the Plaintiff and Intervening Defendant would entertain a stipulation dismissing both the named defendant Noah Arnold and the proper party, the estate of Noah S. Arnold, from the federal suit.

Dated at Waukesha County, Wisconsin this 17th day of January, 2023.

SCHELLINGER & ASSOCIATES, LLC
Attorneys for the Defendant Noah Arnold, more
appropriately styled as the Estate of Noah S. Arnold
by his personal representative, Joshua Schulman.

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s/*Neal C. Schellinger*
By: _____
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